

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6676

BILL NUMBER: HB 1269

NOTE PREPARED: Jan 9, 2010

BILL AMENDED:

SUBJECT: Clark County Courts.

FIRST AUTHOR: Rep. Stemler

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: The bill establishes a unified circuit court for Clark County on January 1, 2011, by combining the current judge of the Clark Circuit Court and the three judges of the Clark Superior Courts into a unified circuit court with four judges.

It specifies that the Clark Superior Court judges serving on December 31, 2010, serve as judges of the unified Clark Circuit Court. It transfers all cases and other matters pending in the Clark Superior Courts at the close of business on December 31, 2010, to the Clark Circuit Court on January 1, 2011. The bill also repeals provisions concerning the establishment and operation of the Clark Superior Courts.

Effective Date: January 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues: This bill could, at a minimum, redistribute the workload between the courts in Clark County, depending on the rules and agreements that these judges agree upon.

Background Information: The following table shows the weighted caseload analysis of the four courts in CY 2008 and the number of judicial officers that each court needs to dispose of its workload. The *Weighted*

Caseload Study published by the Indiana Supreme Court's Division of State Court Administration can identify the efficiencies of the current court systems. This study is based on a methodology that assigns a normative amount of time that each type of case would take to be resolved. Criminal cases, particularly capital murder cases, take the longest amount of time, while disposing infractions and ordinance violation cases takes the least.

2008 Weighted Caseload Analysis – Clark County			
Court	Need	Have	Utilization
Circuit Court	2.14	1.1	1.95
Superior Court #1	2.58	1.6	1.61
Superior Court #2 (Drug Court)	2.16	1.0	2.16
Superior Court #3	3.63	1.5	2.42
Total for Clark County	10.51	5.2	2.02

Based on the number of filings that each court receives and the average time that each case should require to make a decision, the weighted caseload method can estimate the number of judicial officers needed to decide these cases within this normative framework.

The “Need” column represents the number of judicial officers that the court needs to resolve its mixture of cases based on the average number of minutes needed for each case category. The “Have” category represents the number of judicial officers that each court has available. The “Utilization” is simply the “Need” divided by the “Have”.

Overall, the average utilization rate for Clark County’s courts is 2.02, which means each court on average needs 2.02 judicial officers to dispose of the cases that it had in 2008. This compares to a statewide average utilization rate of 1.25.

[Note: Superior Court #2 reports having a drug court. The weighted caseload statistics do not fully reflect the extra time associated with processing drug court cases.]

State Agencies Affected:

Local Agencies Affected: Clark Circuit and Superior Courts.

Information Sources: *2008 Indiana Judicial Report*.

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